

1 Kenneth A. Gallo (*pro hac vice*)  
Joseph J. Simons (*pro hac vice*)  
2 Craig A. Benson (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
3 2001 K Street, NW  
Washington, DC 20006-1047  
4 Telephone: (202) 223-7300  
Facsimile: (202) 223-7420  
5 Email: kgallo@paulweiss.com  
Email: jsimons@paulweiss.com  
6 Email: cbenson@paulweiss.com

7 Stephen E. Taylor (SBN 058452)  
Jonathan A. Patchen (SBN 237346)  
8 **TAYLOR & COMPANY LAW OFFICES, LLP**  
One Ferry Building, Suite 355  
9 San Francisco, California 94111  
Telephone: (415) 788-8200  
10 Facsimile: (415) 788-8208  
Email: staylor@tcolaw.com  
11 Email: jpatchen@tcolaw.com

12 *Attorneys for Plaintiffs Sharp Electronics Corporation and*  
13 *Sharp Electronics Manufacturing Company of America, Inc.*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

18  
19 **IN RE CATHODE RAY TUBE (CRT)**  
**ANTITRUST LITIGATION**

20 This Document Relates To:

21 *Sharp Electronics Corp., et al. v. Hitachi Ltd., et al.,*  
22 *No. 13-cv-1173;*

23 *Electrograph Systems, Inc. et al. v. Technicolor SA,*  
*et al., No. 13-cv-05724;*

24 *Siegel v. Technicolor SA, et al., No. 13-cv-05261;*

25 *Best Buy Co., Inc., et al. v. Technicolor SA, et al.,*  
26 *No. 13-cv-05264;*

27 *Target Corp. v. Technicolor SA, et al., No. 13-cv-*  
28 *05686;*

Case No. 07-cv-5944 (SC)  
MDL No. 1917

**DECLARATION OF CRAIG A.  
BENSON IN SUPPORT OF DIRECT  
ACTION PLAINTIFFS' MOTION  
TO ENFORCE THE COURT'S  
ORDER RE: THOMSON  
DISCOVERY BY IMPOSING  
DEADLINE ON THOMSON SA'S  
PRODUCTION OF DOCUMENTS**

DATE: December 12, 2014  
TIME: 10:00 a.m.  
PLACE: Courtroom 1, 17th Floor  
JUDGE: Hon. Samuel Conti

1 *Interbond Corporation of America v. Technicolor*  
2 *SA, et al.*, No. 13-cv-05727;  
3 *Office Depot, Inc. v. Technicolor SA, et al.*, No. 13-  
4 *cv-05726*;  
5 *Costco Wholesale Corporation v. Technicolor SA, et*  
6 *al.*, No. 13-cv-05723;  
7 *P.C. Richard & Son Long Island Corporation, et al.*  
8 *v. Technicolor SA, et al.*, No. 13-cv-05725;  
9 *Schultze Agency Services, LLC v. Technicolor SA,*  
10 *Ltd., et al.*, No. 13-cv-05668;  
11 *Sears, Roebuck and Co. and Kmart Corp. v.*  
12 *Technicolor SA*, No. 3:13-cv-05262;  
13 *Tech Data Corp., et al. v. Hitachi, Ltd., et al.*, No.  
14 *13-cv-00157*;  
15 *Crago, et al. v. Mitsubishi Electric Corp.*, No. 14-cv-  
16 *02058*.

17 I, CRAIG A. BENSON, hereby declare as follows:

18 1. I am a partner with the law firm of Paul, Weiss, Rifkind, Wharton &  
19 Garrison LLP, counsel for Plaintiffs Sharp Electronics Corporation (“SEC”) and Sharp  
20 Electronics Manufacturing Company of America, Inc. (“SEMA”). I am an active member in  
21 good standing of the bars of the State of Maryland, the State of New York, and the District of  
22 Columbia, and on March 20, 2013 was granted leave to appear *pro hac vice* in this litigation. I  
23 have personal knowledge of the facts stated herein and could competently testify to these facts if  
24 called upon to do so. I submit this Declaration in support of Direct Action Plaintiffs’ Motion to  
25 Enforce the Court’s Order re: Thomson Discovery.

26 2. Plaintiffs request this motion to enforce the Court’s October 23, 2014  
27 Order granting Plaintiffs’ motion to compel in order to complete fact discovery against  
28 Thomson SA (“October 23 Order”). Thomson SA has now taken the position that it will not  
promptly produce the compelled categories of documents subject to the October 23 Order.

1 Without the ability to review these documents in a timely manner, Plaintiffs' efforts to take  
2 meaningful testimony from a Rule 30(b)(6) witness and French fact witnesses will be impeded.

3 3. This case is set to begin trial on March 9, 2015.

4 4. On October 23, 2014, at 4:43 p.m., I sent an email to counsel for Thomson  
5 SA asking whether Thomson SA would produce the documents from France compelled by the  
6 Court's Order, whether Thomson SA's Rule 30(b)(6) witness would be educated on those  
7 documents, and whether Thomson SA would make available for deposition the four French fact  
8 witnesses (Mr. Lissorgues, Mr. Charamel, Ms. Martin and Mr. Trutt). A true and correct copy of  
9 that email is included in the October 23-24 email chain between counsel attached hereto as  
10 Exhibit 1.

11 5. On October 24, 2014, at 4:35 p.m., counsel for Thomson SA responded  
12 that Hague Convention procedures would likely be necessary for the depositions of the four  
13 French fact witnesses. A true and correct copy of that email is included in the October 23-24  
14 email chain between counsel attached hereto as Exhibit 1.

15 6. On October 24, 2014, at 4:49 p.m., I responded to counsel for Thomson  
16 explaining that Plaintiffs would need to understand by Monday, October 27, 2014, whether and  
17 when Thomson would produce the documents subject to the Order and its 30(b)(6) witness. A  
18 true and correct copy of that email is included in the October 23-24 email chain between counsel  
19 attached hereto as Exhibit 1.

20 7. On October 27, 2014, the parties met and conferred to discuss Thomson's  
21 compliance with the Order.

22 8. Also on October 27, at 7:43 p.m., counsel for Thomson emailed my  
23 colleague, Blaise Warren, and represented that the four French fact witnesses are unwilling to  
24 voluntarily sit for deposition and therefore Hague Convention procedures are necessary. A true  
25 and correct copy of that email is included at page 8 of the October 27 through November 3 email  
26 chain between counsel, attached hereto as Exhibit 2.

27 9. On October 28, 2014, Plaintiffs filed a statement asking the Court to grant  
28 its motion for letters rogatory to take depositions in France. (Dkt. No. 2949.)

1           10.     On October 28, 2014, at 2:19 p.m., my colleague, Blaise Warren, emailed  
2 counsel for Thomson, again asking Thomson when we could expect to receive its documents  
3 previously produced to the European Commission for Competition (“EC”). A true and correct  
4 copy of that email is included at page 7 of the October 27 through November 3 email chain  
5 between counsel, attached hereto as Exhibit 2.

6           11.     On October 30, 2014, my colleague David Ball wrote to counsel for  
7 Thomson asking that it produce the EC documents immediately and the remaining documents  
8 subject to the Order by November 21, 2014, so that Plaintiffs have the opportunity to receive and  
9 review the production prior to the Thomson SA 30(b)(6) and fact depositions. A true and correct  
10 copy of Mr. Ball’s letter to counsel for Thomson is attached hereto as Exhibit 3.

11           12.     Also on October 30, 2014, at 8:29 p.m., counsel for Thomson responded  
12 to Mr. Warren’s October 28 email, representing that it had not yet conducted any review of the  
13 EC documents, despite Plaintiffs having requested these documents in April 2014. A true and  
14 correct copy of that email is included at pages 5-6 of the October 27 through November 3 email  
15 chain between counsel, attached hereto as Exhibit 2.

16           13.     On October 31, 2014, at 4:14 p.m., my colleague Ken Gallo wrote to  
17 counsel for Thomson. A true and correct copy of that email is included at pages 4-5 of the  
18 October 27 through November 3 email chain between counsel, attached hereto as Exhibit 2.

19           14.     On November 3, 2014, at 10:21 a.m., counsel for Thomson wrote to my  
20 colleagues Ken Gallo and David Ball. A true and correct copy of that email is included at pages  
21 3-4 of the October 27 through November 3 email chain between counsel, attached hereto as  
22 Exhibit 2.

23           15.     On November 3, 2014, at 2:25 p.m., my colleague David Ball wrote to  
24 counsel for Thomson to propose a meet and confer. A true and correct copy of that email is  
25 included at pages 1-2 of the October 27 through November 3 email chain between counsel,  
26 attached hereto as Exhibit 2.

27           16.     On November 3, 2014, at 8:50 p.m., counsel for Thomson wrote to my  
28 colleague David Ball, stating that Thomson was “not in a position” to tell Plaintiffs when

1 Thomson would complete production of the documents described in the Court's October 23  
2 Order. In the same email, counsel for Thomson also agreed to participate in a meet and confer  
3 conference call the following day. A true and correct copy of that email is included at page 1 of  
4 the October 27 through November 3 email chain between counsel, attached hereto as Exhibit 2.

5 17. On November 4, 2014, the parties met and conferred once again to discuss  
6 Thomson's compliance with the Order. Counsel for Thomson represented to Plaintiffs that it is  
7 currently re-reviewing the documents already produced to the EC, and that it will produce those  
8 documents to Plaintiffs on a rolling basis, to be completed by November 14, 2014. Counsel for  
9 Thomson stated that it does not intend to collect or review other documents subject to the  
10 October 23 Order, unless and until Plaintiffs review the initial EC production and then seek to  
11 negotiate with Thomson over the remaining documents. Counsel for Thomson stated that it has  
12 not yet uploaded Thomson SA's data to a reviewable platform and has not conducted a search for  
13 the documents beyond those produced to the EC that are responsive to the October 23 Order.  
14 Counsel for Thomson was unable to provide a date certain that it could complete its production  
15 of all of the remaining documents that are the subject of the October 23 Order.

16  
17 I declare under penalty of perjury that the foregoing is true and correct. Executed  
18 this 6th day of November, 2014, at Washington, DC.

19 \_\_\_\_\_  
/s/ Craig A. Benson

20 Craig A. Benson  
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